

SENATE BILL No. 554

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-10-17.1-7; IC 16-27; IC 20-12-21.7; IC 20-28-1-11; IC 25-23.5; IC 34-6-2-117.

Synopsis: Licensure of occupational therapists. Requires the licensure of occupational therapists and occupational therapy assistants (current law requires certification). Requires a physician to refer a patient to an occupational therapist before the patient may receive services except in specified circumstances. Requires the occupational therapy committee to propose rules to the medical licensing board (board) concerning the continuing competency requirements for the renewal of an occupational therapy license. Requires the board to: (1) adopt rules that are necessary to distinguish between the practice of physical therapy and the practice of occupational therapy; and (2) approve a nationally recognized examination for occupational therapy licensure and establish the passing score needed to obtain a license. Specifies when a temporary occupational therapy license expires.

Effective: July 1, 2007.

Alting

January 23, 2007, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 554

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-10-17.1-7, AS ADDED BY P.L.141-2006,
2 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 7. As used in this chapter, "licensed health
4 professional" means any of the following:

- 5 (1) A registered nurse.
- 6 (2) A licensed practical nurse.
- 7 (3) A physician with an unlimited license to practice medicine or
8 osteopathic medicine.
- 9 (4) A licensed dentist.
- 10 (5) A licensed chiropractor.
- 11 (6) A licensed optometrist.
- 12 (7) A licensed pharmacist.
- 13 (8) A licensed physical therapist.
- 14 (9) A ~~certified~~ **licensed** occupational therapist.
- 15 (10) A certified psychologist.
- 16 (11) A licensed podiatrist.
- 17 (12) A licensed speech-language pathologist or audiologist.



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SECTION 2. IC 16-27-0.5-1, AS AMENDED BY P.L.152-2005,
SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2007]: Sec. 1. (a) The home health care services and hospice
services council is established.

(b) The council consists of sixteen (16) members as follows:

(1) One (1) licensed physician experienced in home health care.

(2) One (1) licensed physician with certification in hospice and
palliative medicine.

(3) Four (4) individuals as follows:

(A) One (1) individual engaged in the administration of a
nonhospital based home health agency.

(B) One (1) individual engaged in the administration of a
hospital based home health agency.

(C) One (1) individual engaged in the administration of:

(i) a nonhospital based hospice; or

(ii) a hospice licensed under IC 16-25-3 that provides
in-patient care.

(D) One (1) individual engaged in the administration of a
hospital based hospice.

(4) One (1) registered nurse who is licensed under IC 25-23 and
experienced in home health care.

(5) One (1) registered nurse who is licensed under IC 25-23 with
certification in hospice and palliative medicine.

(6) One (1):

(A) physical therapist licensed under IC 25-27;

(B) occupational therapist ~~certified~~ **licensed** under IC 25-23.5;
or

(C) speech-language pathologist licensed under IC 25-35.6;
experienced in home health care.

(7) One (1) citizen having knowledge of or experience in hospice
care.

(8) One (1) citizen having knowledge of or experience in home
health agency care.

(9) One (1) registered pharmacist who is licensed under IC 25-26
with experience in hospice and palliative medicine.

(10) One (1) respiratory care practitioner who is licensed under
IC 25-34.5 and experienced in home care.

(11) One (1) individual who is a bereavement counselor with
experience in hospice care.

(12) The commissioner or the commissioner's designee.

(13) The secretary of family and social services or the secretary's
designee.

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(c) The governor shall appoint the members of the council designated by subsection (b)(1) through (b)(11).

(d) Except for the members of the council designated by subsection (b)(12) through (b)(13), all appointments are for four (4) years. If a vacancy occurs, the appointee serves for the remainder of the unexpired term. A vacancy shall be filled from the same group that was represented by the outgoing member.

(e) Except for the members of the council designated by subsection (b)(3), a member of the council may not:

- (1) have an ownership interest in the operation of; or
- (2) serve as a voting member on the governing body of; a home health agency licensed under this article or a hospice licensed under IC 16-25.

SECTION 3. IC 16-27-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "health care professional" means any of the following:

- (1) A licensed physician.
- (2) A licensed dentist.
- (3) A licensed chiropractor.
- (4) A licensed podiatrist.
- (5) A licensed optometrist.
- (6) A nurse licensed under IC 25-23-1.
- (7) A physical therapist licensed under IC 25-27 or a physical therapy assistant certified under IC 25-27.
- (8) A speech-language pathologist or an audiologist licensed under IC 25-35.6-3.
- (9) A speech-language pathology aide or an audiology aide (as defined in IC 25-35.6-1-2).
- (10) An:
 - (A) occupational therapist; or
 - (B) occupational ~~therapist~~ **therapy** assistant; ~~certified licensed~~ under IC 25-23.5.
- (11) A social worker licensed under IC 25-23.6 or a social work assistant.
- (12) A pharmacist licensed under IC 25-26-13.

SECTION 4. IC 16-27-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "health care professional" means any of the following:

- (1) A licensed physician or a physician's assistant (as defined in IC 25-22.5-1-1.1).
- (2) A dentist licensed under IC 25-14.
- (3) A chiropractor licensed under IC 25-10-1.

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- (4) A podiatrist licensed under IC 25-29.
- (5) An optometrist licensed under IC 25-24.
- (6) A nurse licensed under IC 25-23-1.
- (7) A physical therapist licensed under IC 25-27 or a physical therapy assistant certified under IC 25-27.
- (8) A speech-language pathologist or an audiologist licensed under IC 25-35.6-3.
- (9) A speech-language pathology aide or an audiology aide (as defined in IC 25-35.6-1-2).
- (10) An:
 - (A) occupational therapist; or
 - (B) occupational ~~therapist~~ **therapy** assistant; ~~certified licensed~~ under IC 25-23.5.
- (11) A social worker licensed under IC 25-23.6 or a clinical social worker licensed under IC 25-23.6.
- (12) A pharmacist licensed under IC 25-26-13.

SECTION 5. IC 20-12-21.7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The commission for higher education under IC 20-12-0.5 shall provide the commission with the most recent information concerning:

- (1) the number of minority students enrolled at each eligible institution; and
- (2) the number of individuals who are:
 - (A) enrolled at each eligible institution; and
 - (B) pursuing a course of study that would enable the student, upon graduation, to be:
 - (i) licensed to teach special education in an accredited school; or
 - (ii) ~~certified licensed~~ to practice occupational therapy or licensed to practice physical therapy in an accredited school, in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1), or in a community mental retardation or other developmental disabilities center under IC 12-29 as part of the special education program.

(b) The commission shall allocate the available money from the fund to each eligible institution in proportion to the number of minority students enrolled at each eligible institution as described in subsection (a) based upon the information received by the commission under subsection (a).

(c) Each eligible institution shall determine the scholarship recipients under this chapter:

- (1) based upon the criteria set forth in section 9 of this chapter or

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section 9.1 of this chapter, whichever applies, and the rules adopted by the commission under section 12 of this chapter; and

(2) with a priority on granting scholarships in the following order:

(A) Minority students seeking a renewal scholarship.

(B) Newly enrolling minority students.

(C) Special education services students seeking a renewal scholarship.

(D) Newly enrolling special education services students.

However, the eligible institution may not grant a scholarship renewal to a student for an academic year that ends later than six (6) years after the date the student received the initial scholarship under this chapter.

(d) Any funds that:

(1) are allocated to an eligible institution; and

(2) are not utilized for scholarships under this chapter;

shall be returned to the commission for reallocation by the commission to any other eligible institution in need of additional funds.

SECTION 6. IC 20-12-21.7-9.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9.1. (a) To initially qualify for a scholarship from the fund as the fund pertains to individuals described in section 8(a)(2) of this chapter, an individual must:

(1) be admitted to an eligible institution of higher learning as a full-time student or be attending an eligible institution of higher learning as a full-time student;

(2) intend to pursue or, in the case of a student who is attending an eligible institution of higher learning, pursue a course of study that would enable the student, upon graduation:

(A) to be licensed to teach special education in an accredited school under rules adopted by the Indiana state board of education;

(B) to be ~~certified~~ **licensed** to practice occupational therapy:

(i) in an accredited school;

(ii) in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1); or

(iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except IC 12-29-3-6; or

(C) to be licensed to practice physical therapy:

(i) in an accredited school;

(ii) in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1); or

(iii) in a community mental retardation or other

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- 1 developmental disabilities center under IC 12-29 except
 2 IC 12-29-3-6;
- 3 (3) agree, in writing, to:
- 4 (A) teach in an accredited school; or
- 5 (B) practice occupational therapy or physical therapy,
 6 whichever applies:
- 7 (i) in an accredited school in Indiana;
- 8 (ii) in a vocational rehabilitation center under
 9 IC 12-12-1-4.1(a)(1); or
- 10 (iii) in a community mental retardation or other
 11 developmental disabilities center under IC 12-29 except
 12 IC 12-29-3-6;
- 13 at least three (3) of the first five (5) years following the student's
 14 licensure as a teacher, ~~certification~~ **licensure** as an occupational
 15 therapist, or licensure as a physical therapist; and
- 16 (4) meet any other minimum criteria established by the
 17 commission.
- 18 (b) To qualify for a scholarship renewal from the fund under this
 19 section, the individual must:
- 20 (1) comply with the criteria set forth in subsection (a); and
- 21 (2) maintain at least the cumulative grade point average:
- 22 (A) that is required by an eligible institution for admission to
 23 the eligible institution's school of education; or
- 24 (B) of 2.0 on a 4.0 grading scale or its equivalent as
 25 established by the eligible institution if the eligible institution's
 26 school of education does not require a certain minimum
 27 cumulative grade point average.
- 28 SECTION 7. IC 20-28-1-11, AS AMENDED BY P.L.157-2006,
 29 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2007]: Sec. 11. "School psychology" means the following:
- 31 (1) Administering, scoring, and interpreting educational,
 32 cognitive, career, vocational, behavioral, and affective tests and
 33 procedures that address a student's:
- 34 (A) education;
- 35 (B) developmental status;
- 36 (C) attention skills; and
- 37 (D) social, emotional, and behavioral functioning;
- 38 as they relate to the student's learning or training in the academic
 39 or vocational environment.
- 40 (2) Providing consultation, collaboration, and intervention
 41 services (not including psychotherapy) and providing referral to
 42 community resources to:

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- 1 (A) students;
 2 (B) parents of students;
 3 (C) teachers;
 4 (D) school administrators; and
 5 (E) school staff;
 6 concerning learning and performance in the educational process.
 7 (3) Participating in or conducting research relating to a student's
 8 learning and performance in the educational process:
 9 (A) regarding the educational, developmental, career,
 10 vocational, or attention functioning of the student; or
 11 (B) screening social, affective, and behavioral functioning of
 12 the student.
 13 (4) Providing inservice or continuing education services relating
 14 to learning and performance in the educational process to schools,
 15 parents, or others.
 16 (5) Supervising school psychology services.
 17 (6) Referring a student to:
 18 (A) a speech-language pathologist or an audiologist licensed
 19 under IC 25-35.6 for services for speech, hearing, and
 20 language disorders; or
 21 (B) an occupational therapist ~~certified~~ **licensed** under
 22 IC 25-23.5 for occupational therapy services;
 23 by a school psychologist who is employed by a school corporation
 24 and who is defined as a practitioner of the healing arts for the
 25 purpose of referrals under 42 CFR 440.110.
 26 The term does not include the diagnosis or treatment of mental and
 27 nervous disorders, except for conditions and interventions provided for
 28 in state and federal mandates affecting special education and
 29 vocational evaluations as the evaluations relate to the assessment of
 30 handicapping conditions and special education decisions or as the
 31 evaluations pertain to the placement of children and developmentally
 32 disabled adults.
 33 SECTION 8. IC 25-23.5-0.5 IS ADDED TO THE INDIANA CODE
 34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2007]:
 36 **Chapter 0.5. Applicability**
 37 **Sec. 1. This article does not apply to the following:**
 38 **(1) The practice of any occupation or profession for which an**
 39 **individual is licensed, certified, or registered in Indiana by a**
 40 **state agency. An individual who is exempt under this**
 41 **subdivision includes an individual licensed, certified, or**
 42 **registered to practice any of the following:**

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- (A) Medicine.
- (B) Osteopathy.
- (C) Chiropractic.
- (D) Podiatric medicine.
- (E) Physical therapy.

(2) The performance of tasks by an individual providing health care services that are delegated or ordered by a licensed health care professional other than an occupational therapist, as long as the task is within the scope of practice of the licensed health care professional.

Sec. 2. The provisions of this article that require a license to engage in the practice of occupational therapy do not apply to the following:

(1) The practice of occupational therapy by an individual who is practicing occupational therapy as part of a supervised course of study in an educational program approved by the board.

(2) The practice of occupational therapy by an occupational therapy aide under the supervision of:

- (A) an occupational therapist; or
- (B) an occupational therapy assistant.

SECTION 9. IC 25-23.5-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3.5. "Examination" refers to a nationally recognized test for occupational therapists or occupational therapy assistants that has been approved by the board under IC 25-23.5-5-4.5.

SECTION 10. IC 25-23.5-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. "Occupational therapy means the functional assessment of learning and performance skills and the analysis, selection, and adaptation of exercises or equipment for a person whose abilities to perform the requirements of daily living are threatened or impaired by physical injury or disease; mental illness; a developmental deficit; the aging process; or a learning disability. The term consists primarily of the following functions:

- (1) Planning and directing exercises and programs to improve sensory-integration and motor functioning at a level of performance neurologically appropriate for a person's stage of development.
- (2) Analyzing, selecting, and adapting functional exercises to achieve and maintain a person's optimal functioning in daily living tasks and to prevent further disability. service" refers to

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a service that constitutes the practice of occupational therapy.

SECTION 11. IC 25-23.5-1-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7.5. (a) "Practice of occupational therapy"** means the therapeutic use of everyday life activities with individuals or groups to allow the individuals or groups to participate in roles and situations in home, school, workplace, community, and other settings. The term addresses the physical, cognitive, psychosocial, sensory, and other aspects of life activities that affect an individual's health, well-being, and quality of life. Occupational therapy services are provided to promote health and wellness to an individual who is at risk for developing:

- (1) an illness;
- (2) an injury;
- (3) a disease;
- (4) a disorder;
- (5) a condition;
- (6) an impairment;
- (7) a disability;
- (8) an activity limitation; or
- (9) a participation restriction.

(b) The term includes the following:

(1) Methods or strategies selected to direct the process of interventions, including the following:

- (A) Establishment, remediation, or restoration of a skill or ability that has not yet developed or is impaired.
- (B) Compensation, modification, or adaptation of activity or environment to enhance performance.
- (C) Maintenance and enhancement of capabilities without which performance in everyday life activities would decline.
- (D) Health promotion and wellness to enable or enhance occupational performance in everyday life activities.
- (E) Prevention of barriers to performance, including disability prevention.

(2) Evaluation of factors affecting activities of daily living, instrumental activities of living, education, work, play, leisure, and social participation, including the following:

- (A) Client factors, including:
 - (i) neuromusculoskeletal, sensory, visual-perceptual, and cognitive body functions; and
 - (ii) cardiopulmonary, integumentary, and other systems

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- 1 for impaired body structures.
- 2 (B) Habits, routines, roles, and behavior patterns.
- 3 (C) Cultural, physical, environmental, social, and spiritual
- 4 contexts and activity demands that affect performance.
- 5 (D) Performance skills, including:
- 6 (i) motor;
- 7 (ii) process; and
- 8 (iii) functional;
- 9 interaction skills.
- 10 (3) Interventions and procedures to promote or enhance
- 11 safety and performance in activities of daily living,
- 12 instrumental activities of daily living, education, work, play,
- 13 leisure, and social participation, including the following:
- 14 (A) Therapeutic use of occupations, exercises, and
- 15 activities.
- 16 (B) Training in self-care, self-management, home
- 17 management, and community to work reintegration.
- 18 (C) Development, remediation, or compensation of:
- 19 (i) physical;
- 20 (ii) cognitive;
- 21 (iii) neuromusculoskeletal;
- 22 (iv) sensory function, except hearing; and
- 23 (v) behavioral;
- 24 skills.
- 25 (D) Therapeutic use of an individual's self, including an
- 26 individual's:
- 27 (i) personality;
- 28 (ii) insights;
- 29 (iii) perceptions; and
- 30 (iv) judgments;
- 31 as part of the therapeutic process.
- 32 (E) Education and training of individuals, including family
- 33 members, caregivers, and others.
- 34 (F) Care coordination, case management, and transition
- 35 services.
- 36 (G) Consultative services to groups, programs,
- 37 organizations, or communities.
- 38 (H) Modification of:
- 39 (i) home;
- 40 (ii) work;
- 41 (iii) school; or
- 42 (iv) community;

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environment and adaptation of processes, including the application of ergonomic principles.

(I) Assessment, design, fabrication, application, fitting, and training in:

- (i) assistive technology;
- (ii) adaptive devices; and
- (iii) orthotic devices;

and training, except gait training in the use of prosthetic devices. This does not include hearing aids, tracheoesophageal valves, and electrolarynx devices.

(J) Assessment, recommendation, and training in techniques to enhance functional mobility, including wheelchair management, and excluding gait training.

(K) Driver rehabilitation and community mobility.

(L) Management of feeding, eating, and swallowing to enable eating and feeding performance.

(M) Application of physical agent modalities, and use of a range of specific therapeutic procedures.

(c) The term does not include:

(1) physical therapy (as defined in IC 25-27-1-1), within the scope of practice of a physical therapist;

(2) psychology, within the scope of practice of a psychologist; or

(3) speech-language pathology (as defined in IC 25-35.6-1-2), within the scope of practice of a speech-language pathologist;

that the board determines is outside the scope of practice of occupational therapy under IC 25-23.5-2-6.

SECTION 12. IC 25-23.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The committee consists of five (5) members appointed by the governor for terms of three (3) years. The committee must include the following:

(1) At least two (2) occupational therapists who:

(A) are residents of Indiana;

(B) have at least three (3) years experience as occupational therapists; and

(C) are ~~certified~~ **licensed** under this article.

(2) At least one (1) physician licensed under IC 25-22.5 who is familiar with **the practice of** occupational therapy.

(3) At least one (1) person who:

(A) is a resident of Indiana; and

(B) is not associated with occupational therapy in any way other than as a consumer.

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SECTION 13. IC 25-23.5-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The committee shall:

- (1) consider the qualifications of persons who apply for ~~certificates~~ **licenses** under this article;
- (2) provide for examinations required under this article;
- (3) ~~certify~~ **license** qualified persons;
- (4) propose rules to the board concerning the:
 - (A) competent practice of occupational therapy;
 - (B) **continuing competency requirement for the renewal of a license for an occupational therapist or an occupational therapy assistant; and the**
 - (C) administration of this article; and
- (5) recommend to the board the amounts of fees required under this article.

SECTION 14. IC 25-23.5-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) After considering the committee's proposed rules, the board shall adopt rules under IC 4-22-2 establishing standards for:

- (1) the competent practice of occupational therapy;
- (2) the renewal of ~~certificates~~ **licenses** issued under this article; and
- (3) standards for the administration of this article.

(b) After considering the committee's recommendations for fees, the board shall establish fees under IC 25-1-8-2.

(c) **The board shall adopt rules under IC 4-22-2 that are necessary to establish distinctions between the practice of occupational therapy and the practice of physical therapy (as defined in IC 25-27-1-1), psychology, and speech-language pathology (as defined in IC 25-35.6-1-2). In establishing the rules, the board shall:**

- (1) **maximize the choices available to patients; and**
- (2) **consider the expertise for the area of therapy.**

SECTION 15. IC 25-23.5-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A person may not:

- (1) ~~profess to be practice as~~ **practice as** an occupational therapist;
- (2) ~~profess to be practice as~~ **practice as** an occupational therapy assistant;
- (3) use the title "occupational therapist";
- (4) use the title "occupational therapy assistant"; or
- (5) ~~use the initials "O.T.", "O.T.A.", "O.T.R.", or "C.O.T.A." or any other words, letters, abbreviations, or insignia indicating or~~

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1 implying that the person is an occupational therapist or
 2 occupational therapy assistant certified under this article;

3 **(5) engage in the practice of occupational therapy;**

4 unless the person is ~~certified~~ **licensed** under this article.

5 SECTION 16. IC 25-23.5-3-1.5 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. (a) Except as provided in**
 8 **subsection (b), an occupational therapy practitioner may not**
 9 **provide occupational therapy services to a person until the person**
 10 **has been referred to the occupational therapy practitioner by a**
 11 **physician licensed under IC 25-22.5.**

12 **(b) An occupational therapy practitioner may provide the**
 13 **following services without a referral from a physician licensed**
 14 **under IC 25-22.5:**

15 **(1) Ergonomic or home assessment.**

16 **(2) Injury or illness prevention education, and wellness**
 17 **services.**

18 **(3) Education related services.**

19 **(4) Occupational therapy activities that the board determines,**
 20 **after reviewing the recommendations of the committee, are**
 21 **appropriate to be conducted in a community based**
 22 **environment.**

23 SECTION 17. IC 25-23.5-3-2 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. A person who**
 25 **knowingly or intentionally** violates this chapter commits a Class B
 26 misdemeanor.

27 SECTION 18. IC 25-23.5-5-1 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1. A person who**
 29 **applies for a ~~certificate~~ license** as an occupational therapist or
 30 occupational therapy assistant must present satisfactory evidence to the
 31 committee that the person:

32 **(1) does not have a conviction for a crime that has a direct bearing**
 33 **on the person's ability to practice competently;**

34 **(2) has not been the subject of a disciplinary action by a licensing**
 35 **or certification agency of another state or jurisdiction on the**
 36 **grounds that the person was not able to practice as an**
 37 **occupational therapist or occupational therapy assistant without**
 38 **endangering the public;**

39 **(3) has graduated from a school or program of occupational**
 40 **therapy or a program for occupational therapy assistants approved**
 41 **by the board; and**

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(4) has passed an occupational therapist or occupational therapy assistant licensing or certifying examination approved by the board **under section 4.5 of this chapter.**

SECTION 19. IC 25-23.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The board may require a person who applies for a ~~certificate~~ **license** as an occupational therapist to have successfully completed supervised fieldwork experience arranged and approved by the school or program from which the person graduated.

(b) The board may require a person who applies for a ~~certificate~~ **license** as an occupational therapy assistant to have successfully completed supervised fieldwork experience arranged and approved by the program from which the person graduated.

SECTION 20. IC 25-23.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. A person applying for a ~~certificate~~ **license** under this article must pay a fee.

SECTION 21. IC 25-23.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A person who satisfies the requirements of sections 1 through 3 of this chapter may take the examination ~~provided~~ **approved** by the board **under section 4.5 of this chapter.**

SECTION 22. IC 25-23.5-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4.5. (a) The board shall do the following:**

(1) **Approve a nationally recognized examination for each type of license issued under this article.**

(2) **Establish the passing score necessary to obtain a license under this article.**

(b) **The board may use any part of an examination administered by:**

(1) **the National Board for Certification in Occupational Therapy, or its successor; or**

(2) **another nationally recognized body that provides examination services for occupational therapists or occupational therapy assistants, as determined by the committee;**

as the examination required to obtain a license under this article.

SECTION 23. IC 25-23.5-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The committee shall provide for examinations to be given at least two (2) times a year at times and places established by the board.

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(b) The committee shall provide for examinations that test a person's knowledge of the basic and clinical sciences as they relate to **the practice of** occupational therapy, occupational therapy theory and procedures, and other subjects the committee considers useful to test a person's fitness to practice as an occupational therapist or occupational therapy assistant.

SECTION 24. IC 25-23.5-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The committee shall issue a **certificate license** to a person who

- (1) ~~achieves a passing score, as determined by the board, on the examination provided under this chapter; and~~
- (2) ~~is otherwise qualified~~ **meets the requirements for a license** under this article.

SECTION 25. IC 25-23.5-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The committee may refuse to issue a **certificate license** or may issue a **probationary certificate temporary license** to a person if:

- (1) the person has been disciplined by an administrative agency in another jurisdiction; and
- (2) the committee determines that the violation for which the person was disciplined has a direct bearing on the person's ability to practice **occupational therapy** as an occupational therapist or occupational therapy assistant.

SECTION 26. IC 25-23.5-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) If the committee issues a **probationary certificate temporary license** under section 7 of this chapter, the committee may require the person who holds the **certificate temporary license** to perform one (1) or more of the following conditions:

- (1) Report regularly to the committee upon a matter that is the basis for the probation.
- (2) Limit practice to areas prescribed by the committee.
- (3) Continue or renew professional education.
- (4) Engage in community restitution or service without compensation for a number of hours specified by the committee.

(b) The committee shall remove a limitation placed on a **probationary certificate temporary license** if after a hearing the committee finds that the deficiency that caused the limitation has been remedied.

SECTION 27. IC 25-23.5-5-9, AS AMENDED BY P.L.1-2006, SECTION 457, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) A **certificate license** issued

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by the committee expires on a date established by the Indiana professional licensing agency under IC 25-1-5-4 in the next even-numbered year following the year in which the ~~certificate~~ **license** was issued.

(b) A person may renew a ~~certificate~~ **license** by paying a renewal fee on or before the expiration date of the ~~certificate~~ **license**.

(c) If a person fails to pay a renewal ~~fee~~ on or before the expiration date of a ~~certificate~~ **license**, the ~~certificate~~ **license** becomes invalid.

SECTION 28. IC 25-23.5-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The committee shall reinstate an invalid ~~certificate~~ **license** up to three (3) years after the expiration date of the ~~certificate~~ **license** if the person holding the invalid ~~certificate~~ **license** meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a ~~certificate~~ **license** expired, the person holding the ~~certificate~~ **license** may renew the ~~certificate~~ **license** by satisfying the requirements for renewal established by the board and meeting the requirements under IC 25-1-8-6.

SECTION 29. IC 25-23.5-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The committee may issue a temporary ~~permit~~ **license** to a person to ~~profess to be~~ **engage in the practice of occupational therapy as** an occupational therapist or occupational therapy assistant if the person pays a fee and the person:

(1) has a valid license or certificate to practice from another state and the person has applied for a ~~certificate~~ **license** from the committee;

(2) is practicing **occupational therapy** in a state that does not license or certify occupational therapists or occupational therapy assistants but is certified by a national occupational therapy association approved by the ~~committee~~ **board** and the person has applied for a ~~certificate~~ **license** from the committee; or

(3) ~~has been approved by the committee to take the next examination and has graduated from a school or program approved by the committee and the person has completed the fieldwork experience requirement.~~

(3) **meets all the following requirements:**

(A) **Has graduated from an accredited program.**

(B) **Has completed the fieldwork experience requirement for a license under this article.**

(C) **Is eligible to take the entry level examination.**

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(b) A person with a temporary ~~permit~~ **license** issued under subsection (a)(3) may ~~profess to be engage in the practice of occupational therapy as~~ an occupational therapist or an occupational therapy assistant only under the supervision of an occupational therapist ~~certified~~ **licensed** under this article.

(c) A temporary ~~permit~~ **license** expires the earlier of:

(1) the date the person holding the ~~permit~~ **temporary license** is issued a ~~certificate~~ **permanent license** under this article; ~~or~~

(2) the date the committee disapproves the person's ~~certificate~~ **license** application; ~~or~~

(3) **one hundred eighty days (180) days after the date the temporary license is issued.**

(d) The committee may renew a temporary ~~permit~~ **license** if the person holding the ~~permit~~ **temporary license** was scheduled to take the next examination and the person:

(1) did not take the examination; and

(2) shows good cause for not taking the examination.

(e) A ~~permit~~ **temporary license** renewed under subsection ~~(c)~~ **(d)** expires on the date the person holding the ~~permit~~ **temporary license** receives the results from the next examination given after the ~~permit~~ **temporary license** was issued.

SECTION 30. IC 25-23.5-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A person who is ~~certified~~ **licensed** under this article shall notify the committee in writing when the person retires from practice.

(b) Upon receipt of the notice, the committee shall:

(1) record the fact the person is retired; and

(2) release the person from further payment of renewal fees.

SECTION 31. IC 25-23.5-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) If a person surrenders a ~~certificate~~ **license** to the committee, the committee may reinstate the ~~certificate~~ **license** upon written request by the person.

(b) If the committee reinstates a ~~certificate~~ **license**, the committee may impose conditions on the ~~certificate~~ **license** appropriate to the reinstatement.

(c) A person may not surrender a ~~certificate~~ **license** without written approval by the committee if a disciplinary proceeding under this article is pending against the person.

SECTION 32. IC 25-23.5-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. A person who applies for a ~~certificate~~ **license** under this article may be exempted by

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the committee from the examination requirement under section 6 of this chapter if the person:

(1) is licensed or certified to practice **occupational therapy** as an occupational therapist or occupational therapy assistant in another state; or

(2) is practicing **occupational therapy** in a state that does not license or certify occupational therapists or occupational therapy assistants and is certified by a national occupational therapy association approved by the board;

and is otherwise qualified under sections 1 through 3 of this chapter and pays an additional fee.

SECTION 33. IC 25-23.5-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. The committee may issue a ~~certificate~~ **license** to a person who has graduated as an occupational therapist or occupational therapy assistant from an educational program in a foreign country if the person:

(1) graduated from an educational program approved by the board;

(2) does not have a conviction for:

(A) an act that would constitute a ground for a disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the person's ability to practice competently;

(3) has not been the subject of a disciplinary action initiated by a licensing agency of another state or jurisdiction on the ground that the person was not able to practice **occupational therapy** as an occupational therapist or occupational therapy assistant without endangering the public;

(4) passes the examination required under this chapter; and

(5) pays a fee.

SECTION 34. IC 34-6-2-117 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 117. "Professional health care provider", for purposes of IC 34-30-15, means:

(1) a physician licensed under IC 25-22.5;

(2) a dentist licensed under IC 25-14;

(3) a hospital licensed under IC 16-21;

(4) a podiatrist licensed under IC 25-29;

(5) a chiropractor licensed under IC 25-10;

(6) an optometrist licensed under IC 25-24;

(7) a psychologist licensed under IC 25-33;

(8) a pharmacist licensed under IC 25-26;

(9) a health facility licensed under IC 16-28-2;

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(10) a registered or licensed practical nurse licensed under IC 25-23;

(11) a physical therapist licensed under IC 25-27;

(12) a home health agency licensed under IC 16-27-1;

(13) a community mental health center (as defined in IC 12-7-2-38);

(14) a health care organization whose members, shareholders, or partners are:

(A) professional health care providers described in subdivisions (1) through (13);

(B) professional corporations comprised of health care professionals (as defined in IC 23-1.5-1-8); or

(C) professional health care providers described in subdivisions (1) through (13) and professional corporations comprised of persons described in subdivisions (1) through (13);

(15) a private psychiatric hospital licensed under IC 12-25;

(16) a preferred provider organization (including a preferred provider arrangement or reimbursement agreement under IC 27-8-11);

(17) a health maintenance organization (as defined in IC 27-13-1-19) or a limited service health maintenance organization (as defined in IC 27-13-34-4);

(18) a respiratory care practitioner licensed under IC 25-34.5;

(19) an occupational therapist ~~certified~~ **licensed** under IC 25-23.5;

(20) a state institution (as defined in IC 12-7-2-184);

(21) a clinical social worker who is licensed under IC 25-23.6-5-2;

(22) a managed care provider (as defined in IC 12-7-2-127(b));

(23) a nonprofit health care organization affiliated with a hospital that is owned or operated by a religious order, whose members are members of that religious order; or

(24) a nonprofit health care organization with one (1) or more hospital affiliates.

SECTION 35. [EFFECTIVE JULY 1, 2007] **(a) If an individual is certified as:**

(1) an occupational therapist under IC 25-23.5 on June 30, 2007, the individual is considered to be a licensed occupational therapist under IC 25-23.5, as amended by this act, on July 1, 2007; and

(2) an occupational therapy assistant under IC 25-23.5 on June 30, 2007, the individual is considered to be a licensed

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1 occupational therapy assistant under IC 25-23.5, as amended
 2 by this act, on July 1, 2007.

3 The license of an individual described in this subsection expires on
 4 the date the individual's certification that the license is replacing
 5 would have expired if this act had not been enacted.

6 (b) The occupational therapy committee established by
 7 IC 25-23.5-2-1 shall issue a license under IC 25-23.5-5-6, as
 8 amended by this act, to an individual described in subsection (a).
 9 However, the occupational therapy committee and the Indiana
 10 professional licensing agency are not required to issue:

11 (1) a wall license; or

12 (2) a pocket license;

13 to an individual described in subsection (a) until the license
 14 renewal period beginning December 1, 2007.

15 (c) The medical licensing board of Indiana may adopt
 16 temporary rules in the manner provided for emergency rule
 17 adoption under IC 4-22-2-37.1 to implement IC 25-23.5, as
 18 amended by this act. A temporary rule adopted under this
 19 subsection expires on the earliest of the following:

20 (1) The date that the temporary rule is superseded by another
 21 temporary rule adopted under this subsection.

22 (2) The date that the temporary rule is superseded by a rule
 23 adopted under IC 4-22-2.

24 (3) The date specified in the temporary rule.

25 (4) July 1, 2009.

26 (d) This SECTION expires July 1, 2010.

27 SECTION 36. An emergency is declared for this act.

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